

INDIANA BOARD OF PHARMACY

Indiana Professional Licensing Agency

Conference Center Room W064

402 W. Washington St.

Indianapolis, IN 46204

MINUTES OF the June 8, 2009 Board Meeting

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Del T. Fanning called the meeting to order at 8:35 a.m. in Conference Center Room C of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

Del T. Fanning, R.Ph., President

Lora N. R. Williams, JD, Vice President (*Consumer Member*)

Steven Anderson, R.Ph., Member

William J. Cover, R.Ph., Member

Winnie Landis, R.Ph., Member

Sara St. Angelo, PharmD., R.Ph., Member

Donna S. Wall, PharmD., R.Ph., Member

Board Members not in attendance:

None

State Officials Present:

Phil Wickizer, Board Director, Indiana Professional Licensing Agency

Amy Phillips, Assistant Director, Indiana Professional Licensing Agency

Kyle McClurg, Litigation Specialist, Indiana Professional Licensing Agency

Jennifer Baumgartner, R.Ph., Compliance Officer, Indiana Professional Licensing Agency

Zaneta Nunnally, Compliance Officer, Indiana Professional Licensing Agency

Eric Percy, Compliance Officer, Indiana Professional Licensing Agency

Tim Thomas, Compliance Officer, Indiana Professional Licensing Agency

Gordon White, Board Advisory Counsel, Office of the Attorney General

II. PLEDGE OF ALLEGIANCE

No flag available in Conference Room C.

III. ADOPTION OF THE AGENDA

A motion was made by Member Landis and seconded by Member Wall to adopt the agenda. Motion passed 7-0-0.

III. ADOPTION OF MINUTES FROM PREVIOUS MEETING

A motion was made by Member Landis and seconded by Member Wall to adopt the May 11, 2009 Minutes with corrections. Motion passed 7-0-0.

IV. PROBATIONARY APPEARANCES

Probationary appearances were conducted by the Compliance Officers in Room W064 starting at 7AM and concluding at approximately 9AM.

- A motion was made by Member Landis and seconded by Member Cover to approve the following probationary appearances:

Lowe, Keri
Flick, Julie
Bilbrey, Alexandra
Bowman, Gerry
Brassard Lawrence
Goodge, Thomas
Huntzinger, Mark
Kruer, Angela

MOTION CARRIED: 7/0/0

- A motion was made by Member Cover and seconded by Member Williams to approve the following probationary appearances:

Kaczynski, Scott
Price, Judy
Dodds, Gregory
MacLean, Thomas
King, Tina
Wheeler, Adam
Blemker, Erik
Faroh, Philip
Schmitt, Keith
Werner, Michael

MOTION CARRIED: 7/0/0

- A motion was made by Member Fanning and seconded by Member Landis to approve the following probationary appearances:

Scott, Michael
Fisher, Patricia
Adams, Bradley
Chew, Barbara
Davis, Tracy
Powell, Melanie
Stewart, Kristina
Mock, Dennis
Opel, Jeffrey
Reynolds, Susan

MOTION CARRIED: 7/0/0

- A motion was made by Member Landis and seconded by Member Angelo to approve the following probationary appearances:

Mittelkamp, Elaine
Moore, Teresa
Rodeman, Linda
Hine, Edward
Nafe, Christine
Ziemkowski, Valerie
Smith, Alan

MOTION CARRIED: 7/0/0

- The following individuals were removed from the appearance agenda due to other appearances:
Jaberg, Robert (see p.10)
Feldhaus, Tara
- The following individuals did not show for their probationary appearances:
Szalewski, Stephen

V. PERSONAL APPEARANCES

A. Compliance Officer Reports

See Section 10 below.

B. Millennium Pharmacy Systems Inc (MPS)

Kevin Fearon, representing Millennium, discussed operation of a closed loop internet/non-resident pharmacy. They primarily work with nursing homes. Issues raised by the Board are order verification and packaging. Millennium appeared before the Board to seek guidance on doing business in the State of Indiana. It was determined that at a minimum the pharmacy would have to have a non-resident pharmacy permit and satisfy other questions. An outstanding question was raised with issues of dispensing and verification. **No motions made.**

C. Frank Kolovart, Jr. – License Transfer Application

Appearance was required b/c of a positive response on his license transfer application. Issue involved another state and long time ago and now petitioner seeks to get his pharmacist license approved. He is currently in good standing in his home state and several other states. Motion was made by Member Cover to approve application and was seconded by Member St.Angelo. **Approved. Motion carried 7/0/0.**

D. Barbara Williams – Pharmacy Technician Application

Appearance was required b/c of a positive response on her application to become a Pharmacy Technician. The issue involved having a prior felony and misdemeanor on her record unrelated to pharmacy. Petitioner is currently in good standing w/Probation Department. Motion was made by Member Landis to approve application and was seconded by Member Williams. **Approved. Motion carried 7/0/0.**

E. Jacqueline Ramirez – Pharmacy Technician Application

Appearance was required b/c of a positive response on her application to become a Pharmacy Technician. The issue involved having prior incidents unrelated to pharmacy on her record – several related to driving. Board determined she was safe to practice and Motion was made by Member Williams to approve application and was seconded by Member St.Angelo. **Approved. Motion carried 7/0/0.**

F. Mike Nicholson-Nicholson Printing – Security pad Provider Application

Appearance was required due to a positive response on the company's application to be a approved vendor of prescription security pads. Specifically, the Company answered in the positive that it employed an individual with a criminal history. The Board was satisfied with the Company's response to their questions and requested the following prior to approving their application: (1) a copy of the vendor's policies and procedures to be filed w/the license that could be inspected, and (2) they asked that a reporting process for reporting breaches to the

Board via a security pad be established and utilized. Motion was made by Member Landis to approve the application pending submission of the required documents to Board staff; motion seconded by Member Wall. **Approved. Motion carried 7/0/0.**

VI. APPLICATIONS

A. Continuing Education Applications

The following applications for approval of Continuing Education Programs were presented and approved:

- Marcia Meinz for 5 credit hours
- Jamie Lyberg for .5 credit hours

Motion was made by Member Williams and seconded by Member Landis to approve the applications. **Motion carried 6/0/1.**

B. Non-Resident Pharmacy Applications

1. Healix Infusion Therapy, Inc. - Motion made by Member St. Angelo and seconded by Member Landis to approve application. **Motion carried 7/0/0.**
2. Central Drugs - Motion made by Member St. Angelo and seconded by Member Landis to approve application. **Motion carried 7/0/0.**
3. Excelle Rx - Motion made by Member St. Angelo and seconded by Member Wall to approve application pending the completion of the application by the petitioner. **Motion carried 7/0/0.**

C. Wholesale Drug Distributor Applications

1. Butler Animal Health Supply – Motion was made by Member Wall and seconded by Member Landis to approve the application. **Motion carried 7/0/0.**

D. Pharmacy Technician Training Program

1. CNA Academy LTD – Motion was made by Member Landis and seconded by Member Anderson to approve the program application pending the changes required to incorporate Indiana Law updates. **Motion carried 7/0/0.**

VII. MISCELLANEOUS

- Board Director Report – Phil Wickizer introduced himself as the newest member to the Board of Pharmacy staff. Dir. Wickizer provided details on upcoming plans for staff goal setting and various operational goals to be accomplished over the next 6 months along with specific deliverables for the team as a whole. He also discussed the following topics relevant to ongoing activities amongst Board Staff:
 - 7 members of the staff attended the June NADDI Conference in Rising Sun
 - IN.gov has presented the opportunity to start doing email marketing/delivery of alerts
 - Impact of the Legislative Session and upcoming issues to bring to the Legislature
 - Site visits for case managers and the new Director
- E-Prescribing Discussion – Member St. Angelo started off the discussion and several issues were raised concerning software and compatibilities amongst different users and kinds of software/applications. Members suggested looking to fix some of these problems through the Board's regulation of IDEs. Perhaps even consider having Board inspectors start looking into the

various types of applications the various practitioners and pharmacies use. Also, we need to ensure Indiana rules work in conjunction with whatever the DEA decides to do.

- Motion was made by Member Anderson and seconded by Member St. Angelo to invite approved IDEs to discuss e-prescribing at the August Board Meeting. **Motion carried 7/0/0.**

(*BOARD MEMBER WALL STEPPED OUT TO HANDLE LOW COST RX SETTLEMENT DISCUSSION AT 9:53AM AND RETURNED TO THE MEETING AT 9:58AM.)

- NABP Update – Board President Fanning briefly reported on the recent NABP meeting in Miami. In particular he was concerned that Indiana is again ranked as one of the top states having significant meth problems. Indiana ranked number two in the country according to recent reports despite past legislative efforts to combat the meth problem. The Board entertained discussion of how to deal with the meth issue and whether it was time to again bring back the issue of listing Sudafed as controlled or prescribed product.
- Examination Scores and Time to Licensure – The Board discussed the issue of how long, as a general policy, they believed the MPJE scores should be good re: submission to the Board to meet the requirements to practice pharmacy. They determined that the precedent should correspond to what is already used for the NAPLEX, and that both the NAPLEX and MPJE scores should be good for one year.

VIII. OLD/NEW BUSINESS

No business was discussed in this category.

IX. ADMINISTRATIVE HEARINGS

A. In the Matter of the Indiana Pharmacy License of Low Cost Rx #2, Inc.

License No. 60005206A
Administrative Cause No. 2007 IBP 0050

In the Matter of the Indiana Pharmacist License of Terry Cole

License No. 26011608A
Administrative Cause No. 2007 IBP 0051
Re: Petition to Withdraw Probation

Parties and Counsel Present:

Terry Cole, Respondent
Michael B. McMains, Respondent's Counsel
Terrance W. Richmond, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

A combined settlement agreement was submitted to the Board for approval, along with documentation of participation in the settlement discussions by Board Member Wall, who felt that the settlement addressed and resolved all the pertinent issues and protected the interests of the State of Indiana.

Board Action:

A motion was made by Member Landis and seconded by Member St. Angelo to approve the settlement. Member Wall abstained.

MOTION CARRIED: 6/0/1

B. In the Matter of the Indiana Pharmacist License of J. Lynne Freiburger

License No. 26011641A
Administrative Cause No. 2009 IBP 0039
Re: Petition to Withdraw Probation

Parties and Counsel Present:

Respondent was not present
Respondent was not represented by counsel
Christa J. Jewsbury, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

The respondent was a no show and the state requested a notice of proposed default.

Board Action:

A motion was made by Member Cover and seconded by Member Landis to enter a notice of proposed default.

MOTION CARRIED: 7/0/0

(*BOARD MEMBER WILLIAMS STEPPED OUT TO HANDLE OLSON SETTLEMENT DISCUSSION AT 10:34AM AND RETURNED TO THE MEETING AT 11:16.)

C. In the Matter of the Indiana Pharmacist License of Freeborn Esigbone

License No. 26016811A
Administrative Cause No. 2001 IBP 0008
Re: Petition for Reinstatement

Parties and Counsel Present:

Respondent appeared independent of counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

Kyle McClurg, Litigation Specialist, Indiana Professional Licensing Agency

Case Summary:

Respondent petitioned the board to reinstate his pharmacist license. Evidence was submitted by Respondent indicating certain education credits were taken and received, certain parole records, treatment facility records, and other records offered to support reinstatement efforts. State also submitted evidence of timeline of history with board and criminal record/convictions.

Board Action:

A motion was made and seconded to deny the reinstatement of Petitioners license. Motion was also made to require petitioner to engage in a 6 month contract with PRN for a period before future reinstatement would be considered, which would also require him to renew his license as a suspended license. The motion was made by Member Anderson and seconded by Member St. Angelo. Member Williams abstained.

MOTION CARRIED: 6/0/1

D. In the Matter of Indiana Pharmacist License of Donn Olson

License No. 26013161A
Administrative Cause No. 2007 IBP 0009
Re: Petition to Set Aside Entry of Default

Parties and Counsel Present:

Donn Olson, Respondent
Steven Johnsonbaugh, Respondent's Counsel
Heather C. Kennedy, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

Respondent petitioned the board to set aside entry of default order entered against the respondent for failure to appear at prior meetings. Prior to this meeting parties discussed a settlement to handle all matters. Settlement would result in an order requiring several steps, but is conditioned on action taken by the Michigan Board.

Board Action:

A motion was made and seconded to continue this hearing on default and proceed with a final hearing to be determined at a date set next month. A motion was made by Member Wall and seconded by Member Landis to continue. Member Williams abstained from voting.

MOTION CARRIED: 6/0/1

E. In the Matter of the Indiana Pharmacist License of Joseph Mathys

License No. 26020663A
Administrative Cause No. 2008 IBP 0048
Re: Default Hearing

Parties and Counsel Present:

Respondent was not present
Respondent was not represented by counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

The State requested that the Board default the respondent and place an indefinite suspension on his license with no reinstatement for a period of two years.

Board Action:

A motion was made by Member Wall and seconded by Member Cover to hold the respondent in default. Another motion was made by Member Cover and seconded by Member Anderson to indefinitely suspend respondent's license with no reinstatement for a minimum of two years.

Both Motions carried 7/0/0

F. In the Matter of the Indiana Pharmacy Technician Certification of Teresa Moore

Certification No. 67008990A
Administrative Cause No. 2006 IBP 0046
Re: Order to Show Cause

Parties and Counsel Present:

Teresa Moore, Respondent
Respondent appeared without Counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

Kyle McClurg, Litigation Specialist, Indiana Professional Licensing Agency

Case Summary:

The State brought this action and issued an order to show cause for respondent's failure to adequately comply with the terms of her probation by failing to attend quarterly probationary appearances before the Board. From the evidence presented it appears that paperwork was out order. The Board is requesting that respondent meet with a staff compliance officer to ensure that she has fulfilled the terms of her probation, and then submit a motion to withdraw probation.

Board Action:

Respondent appeared on the order to show cause. The Board did not discipline the Respondent and asked her to work with the compliance officers to achieve a solution. **No Motion was Made and the Hearing was Concluded.**

G. In the Matter of the Indiana Pharmacist License of Susan Reynolds

License No. 26020899A
Administrative Cause No. 2007 IBP 0069
Re: Order to Show Cause

Parties and Counsel Present:

Susan Reynolds, Respondent
Phillip R. Terrell, Respondent's Counsel
Christa J. Jewsbury, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Respondent:

None

Witnesses for the State:

Carol Dunham, PRN Coordinator
Jennifer Baumgartner, R.Ph., Compliance Officer, Indiana Professional Licensing Agency

Case Summary:

State ordered respondent to show cause for violating her probation. Respondent reached an agreement with the State, part of which included working with PRN. Respondent's contract was subsequently terminated by PRN, causing this action today. Both sides presented evidence, and both argument and testimony concentrated on reasons for the dissolution of Respondent's contract with PRN. The Board determined it appropriate to revise the original term and orders of probation, and continue to require the respondent to appear for probation as laid out in the new order.

Board Action:

A motion was made by Member Landis and seconded by Member Williams to revise the original order to include among other things, a new contract with PRN, a pain assessment, a psychological assessment, monthly appearances, and reports from employers and other physicians.

MOTION CARRIED: 7/0/0

H. In the Matter of the Indiana Pharmacy Technician Certification of Robert Jaberg

Certification No. 67012147A
Administrative Cause No. 2007 IBP 0016
Re: Petition to Withdraw Probation

Parties and Counsel Present:

Robert Jaberg, Respondent
Respondent appeared without Counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

Respondent petitioned the board to withdraw probationary terms on the certification.

Board Action:

A motion was made by Member Williams and seconded by Member St. Angelo to withdraw probation. Member Cover abstained from the vote.

MOTION CARRIED: 6/0/1

I. In the Matter of the Indiana Pharmacy Technician Certification of Andrea Turner

Certification No. 67002941A
Administrative Cause No. 2004 IBP 0029
Re: Petition to Withdraw Probation

Parties and Counsel Present:

Andrea Turner, Respondent

Respondent appeared without Counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

Respondent petitioned the board to withdraw probationary terms on the certification. She was eligible to remove the probationary status in 2005, however had not engaged in practice since that date and did not require a freestanding certification to practice. Petitioner is currently in good standing and the State has no objections.

Board Action:

A motion was made by Member Wall and seconded by Member St. Angelo to withdraw probation.

MOTION CARRIED: 7/0/0

J. In the Matter of the Indiana Pharmacy Technician Certification of Bryan Fry

Certification No. 67014082A
Administrative Cause No. 2009 IBP 0029
Re: Petition for Summary Suspension

Parties and Counsel Present:

Respondent was not present
Respondent was not represented by counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

The State moved to have Respondent's certification suspended for alleged drug diversion. Respondent failed to appear before the Board to defend himself either in person or by counsel.

Board Action:

A motion was made by Member St. Angelo and seconded by Member Wall to suspend Respondents license for an immediate period of 90 days.

MOTION CARRIED: 6/0/1

K. In the Matter of the Indiana Pharmacy Technician Certification of Charity Wager

Certification No. 67003855A
Administrative Cause No. 2009 IBP 0027
Re: Final Hearing

Parties and Counsel Present:

Respondent was not present
Respondent was not represented by counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

The State moved to serve the Respondent with a notice of proposed default. Respondent failed to appear before the Board to defend herself either in person or by counsel.

Board Action:

A motion was made by Member Williams and seconded by Member Anderson to issue a notice of proposed default.

MOTION CARRIED: 7/0/0

L. In the Matter of the Indiana Pharmacy Technician Certification of Sherry Scheckel

Certification No. 67009302A
Administrative Cause No. 2009 IBP 0013
Re: Final Hearing

Parties and Counsel Present:

Respondent was not present
Respondent was not represented by counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member

William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

The State moved to serve the Respondent with a notice of proposed default. Respondent failed to appear before the Board to defend herself either in person or by counsel.

Board Action:

A motion was made by Member Wall and seconded by Member St. Angelo to issue a notice of proposed default.

MOTION CARRIED: 7/0/0

M. In the Matter of the Indiana Pharmacy Technician Certification of Michael Brittain

Certification No. 67011993A
Administrative Cause No. 2009 IBP 0005
Re: Default Hearing

Parties and Counsel Present:

Respondent was not present
Respondent was not represented by counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

The State moved to find the Respondent in default. Respondent failed to appear before the Board to defend himself either in person or by counsel.

Board Action:

A motion was made by Member St. Angelo and seconded by Member Anderson to find the Respondent in default and revoke his certification.

MOTION CARRIED: 7/0/0

N. In the Matter of the Indiana Pharmacy Technician Certification of Tara Paul

Certification No. 67007789A
Administrative Cause No. 2009 IBP 0002
Re: Default Hearing

Parties and Counsel Present:

Respondent was not present
Respondent was not represented by counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Witnesses for the Applicant:

None

Witnesses for the State:

None

Case Summary:

The State moved to find the Respondent in default. Respondent failed to appear before the Board to defend herself either in person or by counsel.

Board Action:

A motion was made by Member Wall and seconded by Member St. Angelo to find the Respondent in default and revoke her certification.

MOTION CARRIED: 7/0/0

X. COMPLIANCE OFFICER REPORTS AND APPEARANCES

- Report from Compliance Officer Eric Pearcy:

CO Pearcy presented two issues. The first issue, dealing with Cook Pharmaceuticals, concerned Cook's interest in distributing old drugs to regional health clinics in or outside of Indiana. They sought the Board's guidance. The second issue, concerning the St. Elizabeth Hospital system, dealt with physician dispensing and how that program is run at St. Elizabeth.

- Report from Compliance Officer Jennifer Baumgartner:

CO Baumgartner discussed Rule 29 regarding electronic data processing, ongoing investigations into physician dispensing practices in northern Indiana, and (at the Board's request) she had looked into the issues concerning anti – epileptic drugs being dispensed as either brand necessary and/or generic and the problems this was causing.

- Report from Compliance Officer Zaneta Nunnally:

CO Nunnally provided a short recap of the recent trip to the NADDI conference and the new insights gained there. She also briefly discussed the ongoing issues related to CSRs currently being processed by staff.

- Report from Compliance Officer Tim Thomas:

CO Thomas briefly provided a short synopsis of an ongoing issues related to products being sold in spas that require consultation with medical directors and are supposed to be prescribed substances; primarily Latisse. He has engaged the producer of the drug and is working with them as well.

XI. FINAL NOTES AND ADJOURNMENT

The board was reminded that hearings were scheduled to hear the Walgreens and CVS cases on July 27th and 28th. The Board also requested that Dr. Hinchman from PRN be added to the July Agenda for a personal appearance.

The meeting adjourned at 8:00 p.m.

Del T. Fanning, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, July 13, 2009
Indiana Government Center South
Conference Center Room C